

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

ROBERT LEE SAMULAK,

Debtor.

Case No. 17-13771
Bankruptcy Case No. 16-51819

ROBERT LEE SAMULAK,

Appellant,

v.

CARRINGTON MORTGAGE SERVICES, LLC,

Appellee.

ORDER DENYING MOTION FOR RECONSIDERATION

Bankruptcy Appellant Robert Lee Samulak moves this court to reconsider its order denying his motion to transfer venue. (Dkt. #19.) He again protests this courts' jurisdiction over his bankruptcy appeal. Specifically, Appellant complains that, when filing his Notice of Appeal Statement of Election Form, he specifically chose to have his appeal heard before the Bankruptcy Appellate Panel ("BAP"). But as the court explained in its prior order, the BAP is not available in this judicial district. In moving for reconsideration, Appellant again ignores the language on his form plainly alerting him to the fact that not every district court has authorized appeals to the BAP: "*If a Bankruptcy Appellate Panel is available in this judicial district*" (Dkt. #19 Pg. ID 94. (emphasis added).) The district judges for the Eastern District of Michigan have not voted to authorize the BAP to hear bankruptcy appeals originating here. See 28 U.S.C.

§ 158(b)(6). The court is puzzled by Appellant's argument that the court is flouting bankruptcy appellate rules and notions of judicial propriety by "aggressively attempting to make sure that Plaintiff/Appellant's case is not heard before the rightfully requested BAP." (Dkt. #19 Pg. ID 87.) In actuality, the court is following Congress' command that bankruptcy appeals "*may not be heard . . . by a panel of the bankruptcy appellate panel*" unless the district court, by majority vote, has authorized such appeals. § 158(b)(6). No vote from the Eastern District of Michigan having done so, Appellant's appeal is still properly before this court. Accordingly,

IT IS ORDERED that Appellant's motion for reconsideration (Dkt. #19) is
DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 11, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 11, 2018, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522

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